

JAN 14 1999

NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

This matter was opened to the New Jersey State Board of Chiropractic Examiners ("the Board") upon the Board's receipt of information indicating that on or about December 16, 1998 respondent had been arrested and charged with two counts of criminal sexual contact with patients J.B. and N.T. in violation of N.J.S. 2C:14-2c(1) and four counts of criminal sexual contact with patients J.B., N.T., K.R., and E.L. in violation of N.J.S. 2C:14-3b. On December 22, 1998 an Order was entered by the President of the Board directing that respondent show cause before the Board on December

29, 1998 why his license to practice chiropractic medicine should not be temporarily suspended pending a plenary hearing on the matter.

By Order entered on December 24, 1998, respondent agreed to the voluntary surrender of his license to practice chiropractic medicine in the State of New Jersey pending further order of the Board following a hearing to be held before the full Board on January 14, 1999.

At this time respondent has agreed to voluntarily surrender his license to practice chiropractic medicine in the State of New Jersey pending resolution of the criminal charges filed against him. Said agreement is without prejudice to the further investigation and prosecution of all charges filed against him both criminal and administrative, and without his making any admission of fact or law.

Respondent fully understands and warrants that he will immediately cease and desist in holding himself out to be a licensed chiropractor in the State of New Jersey and cease and desist from conducting all activities requiring such licensure until the resolution of the criminal charges filed against him and until further order of the Board.

It appearing that respondent has read the terms of the within Order, understands the meaning and effect of said terms and agrees to be bound by same, and the Board being satisfied that the within Order adequately protects the public health, safety and welfare, and for good cause shown:

IT IS ON THIS 14th DAY OF JANUARY, 1999,

ORDERED AND AGREED:

1. The license of respondent, Alan L. Marcus, D.C., is hereby temporarily suspended until resolution of the criminal charges filed against him and until further order of the Board;

2. Such temporary suspension shall become effective immediately upon filing of this Order;

3. The Attorney General shall be permitted to amend the Complaint in this matter as necessary;

4. The plenary hearing on the underlying case is adjourned until the date of resolution of the criminal charges filed against respondent and a date to be determined by the Board;

5. Nothing herein shall prevent the Attorney General from taking any and all actions authorized by law following the resolution of the criminal charges against respondent; and

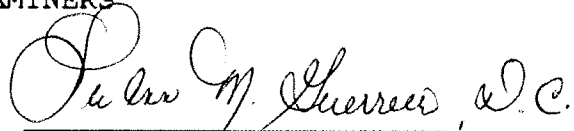
6. Contemporaneous with the entry of this Order respondent shall surrender his initially issued license (wall certificate) and biennial registration and such incidents of licensure as the Board through its Executive Director may designate.

7. Unless and until respondent's license is reinstated, respondent shall fully comply with the attached directives regarding

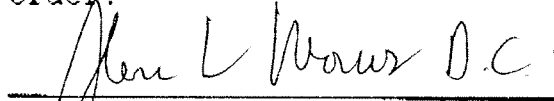
activities of a licensee of the Board of Chiropractic Examiners who has voluntarily surrendered his license.

STATE BOARD OF CHIROPRACTIC  
EXAMINERS


By:

  
LuAnn M. Guerriero D.C.  
Acting President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter the Order.

  
Alan L. Marcus, D.C.  
Respondent

Consented as to form and entry.

  
Theodore W. Daunno, Esq.  
Counsel to Alan L. Marcus, D.C.

DIRECTIVE REGARDING FUTURE ACTIVITIES OF  
CHIROPRACTIC BOARD LICENSEE WHO HAS BEEN DISCIPLINED

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of the licensed profession in any form either as principal or employee of another.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new professional is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing medical record to the new professional, or to the patient if no new professional is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices the profession.
- 5) Desist and refrain from furnishing professional services, giving an opinion as to the professional practice or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice the profession or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice the licensed profession. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing, such as listing in a professional directory of any type or a telephone directory or radio or television advertisement.
- 6) Not use any sign or advertise that such person, either alone or with any other person has, owns, conducts or maintains a professional office or office of any kind for the practice of the profession or that such person is entitled to practice, and such person shall promptly remove any sign suggesting ability of the disciplined practitioner to practice the profession.
- 7) Cease to use any stationery whereon such person's name appears as a professional in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed of, transferred or safeguarded.

8) The disciplined licensee shall require that for a six-month period following the start of a suspension or revocation of license, a message be delivered to those telephoning the former office premises advising former patients where they may obtain their records. The message may inform callers that the practice is now being conducted by (another) named licensee, and the new telephone number of that licensee may be announced. The same information shall be disseminated by means of a notice to be published at least once per month for the same six month period in a newspaper of general circulation in the geographic vicinity in which the professional practice was conducted.

9) Not share in any fee for professional services performed by any other professional following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

10) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and/or equipment.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a member of a professional group which uses a group-type name such as the ABC Medical Group. The disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

11) Report promptly to the Board compliance with each, directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

12) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the New Jersey State Board of Medical Examiners in good standing.

2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

13) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 30 days after the effective date of the Board Order, file with the Secretary of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence address or telephone number shall be promptly reported to the Secretary.